

IN THE UNITED STATES DISTRICT COURT FOR
THE DISTRICT OF MARYLAND, NORTHERN DIVISION

*

UNITED STATES OF AMERICA

*

v.

CRIMINAL NO.: WDQ-08-0086

*

STEVE WILLOCK, *et al.*

*

* * * * *

ORDER

For the reasons discussed in the accompanying Memorandum Opinion, it is, this 23rd day of March 2010, ORDERED that:

1. Fleming's motion to adopt co-defendant motions (Paper No. 642) BE, and HEREBY IS, GRANTED;
2. Fleming's motions:
 - a. To sever (Paper Nos. 595, 829);
 - b. For a bill of particulars (Paper No. 593);
 - c. To dismiss Count One of the Indictment (Paper No. 568);
 - d. To strike Overt Act 3 (Paper No. 572);
 - e. To exclude pretrial identifications (Paper No. 567);
 - f. To suppress tangible evidence and dismiss Overt Act 24 (Paper No. 574);
 - g. For disclosure of all confidential informants (Paper No. 594);

BE, and HEREBY ARE, DENIED;

3. Fleming's adopted motions:
 - a. To suppress firearms identification evidence (Paper No. 571, 657, 685);

- b. For disclosure under Fed. R. Crim. P. 12 (Paper No. 685);
- c. For disclosure under FRE 404(b) (Paper No. 685);
- d. For disclosure under FRE 801(d)(2)(E) (Paper No. 685);

BE, and HEREBY ARE, GRANTED IN PART and DENIED IN PART;

4. Mouzone's motions:

- a. To suppress firearms testimony (Paper Nos. 565, 566, 639); and
- b. To *voir dire* "gang expert" (Paper No. 793)

BE, and HEREBY ARE, GRANTED IN PART and DENIED IN PART;

5. Mouzone's motions:

- a. For disclosure under Rule 16 (Paper No. 630, 640); and
- b. To exclude alias (Paper No. 763)

BE, and HEREBY ARE, DENIED;

6. Mouzone's adopted motions to:

- a. To sever (Paper Nos. 600, 835);
- b. For disclosure of confidential informants (Paper No. 600, 691);
- c. To dismiss Count One of the Indictment (Paper No. 691);
- d. To strike Overt Act 3 of the Indictment (Paper Nos. 576, 691);
- e. To exclude pretrial identification (Hr'g Tr. 70, Nov. 5, 2009);
- f. For disclosure of government agent interview notes (Paper No. 691);

- g. For disclosure under Fed. R. Evid. 404(b);
- h. To strike alias (Paper No. 691); and
- i. For disclosure under Fed. R. Evid. 801(d)(2)(E) (Paper No. 691)

BE, and HEREBY ARE, GRANTED IN PART and DENIED IN PART;

7. Judge Grimm's Report (Paper No. 721) BE, and HEREBY IS, ADOPTED AS AN ORDER OF THE COURT:

- a. Sgt. Ensor shall not opine that it is a "practical impossibility" for a firearm to have fired the cartridges other than the common "unknown firearm" to which Sgt. Ensor attributes the cartridges;
- b. Sgt. Ensor shall state his opinions and conclusions without any characterization as to the degree of certainty with which he holds them;
- c. Additional funds shall be approved under the Criminal Justice Act to pay for the time of a rebuttal expert, if Mouzone so requests; and

8. The Clerk of the Court shall send copies of this Memorandum Opinion and Order to counsel for the parties.

/s/
William D. Quarles, Jr.
United States District Judge